

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1), and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents; Section 502 (e) (1), the repackaged drugs failed to bear labels containing the common or usual names of the drugs; Section 502 (f) (1), the repackaged drugs failed to bear labeling containing directions for use; and, Section 502 (f) (2), the repackaged drugs bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 9, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against each defendant.

3146. Misbranding of sulfathiazole tablets and Dexedrine sulfate tablets. U. S. v. J. Howard Luna (H. & W. Drug Co.), and Thomas C. Lawson. Pleas of guilty. Fine of \$100 against each defendant. (F. D. C. No. 28126. Sample Nos. 53391-K, 53392-K, 53474-K, 53499-K, 53500-K.)

INFORMATION FILED: March 14, 1950, Northern District of Alabama, against J. Howard Luna, trading as the H. & W. Drug Co., Tuscaloosa, Ala., and against Thomas C. Lawson, a pharmacist employed by Mr. Luna.

INTERSTATE SHIPMENT: From the States of Indiana and Pennsylvania into the State of Alabama, of quantities of *sulfathiazole tablets* and *Dexedrine sulfate tablets*.

ALLEGED VIOLATION: On or about May 13 and June 28, 1949, and while the drugs were being held for sale after shipment in interstate commerce, the defendants, J. Howard Luna and Thomas C. Lawson, jointly caused various quantities of *sulfathiazole tablets* and *Dexedrine sulfate tablets* to be repackaged and sold without a prescription; and on or about June 28, 1949, J. Howard Luna individually caused similar sales of other quantities of the same drugs, which acts of the defendants resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged tablets failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents; Section 502 (e) (1), certain quantities of the repackaged tablets failed to bear labels containing the common or usual name of the drug; Section 502 (f) (1), the labeling of the repackaged *Dexedrine sulfate tablets* bore no directions for use; and, Section 502 (f) (2), the repackaged *sulfathiazole tablets* bore no labeling containing warnings against use in those pathological conditions where its use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: May 8, 1950. Pleas of guilty having been entered, the court imposed a fine of \$100 against each defendant.

3147. Misbranding of Bible Way Tonic, Bible Way Anointing Oil, and drug capsules. U. S. v. Ray McDaniel (Elder R. McDaniel). Plea of guilty. Fine of \$50 and sentence of 1 year in jail on each of 4 counts. Jail sentence suspended and defendant placed on probation for 4 years. (F. D. C. No. 26728. Sample Nos. 1080-K, 19595-K, 19596-K.)

INFORMATION FILED: August 19, 1949, Southern District of Ohio, against Ray McDaniel, trading as Elder R. McDaniel, Columbus, Ohio.

ALLEGED SHIPMENT: On or about November 24 and 29, 1948, from the State of Ohio into the States of Florida and Tennessee.

PRODUCT: Analysis disclosed that the *Bible Way Tonic* was a dark red hydro-alcoholic liquid flavored with peppermint, containing chiefly plant extractives, including emodin-bearing drugs; that the *Bible Way Anointing Oil* consisted essentially of mineral oil and turpentine; and that the *drug capsules* contained salt and plant extractives.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the circular entitled "In God We Trust" accompanying the *Bible Way Tonic* and certain statements on the bottle label of the *Bible Way Anointing Oil* were false and misleading. These statements represented and suggested that the *Bible Way Tonic* would be efficacious in the cure, mitigation, and treatment of tuberculosis, asthma, rheumatism, arthritis, high blood pressure, syphilis, sores, low blood pressure, and bronchial asthma, and would be efficacious as a building tonic for run-down conditions; and that the *Bible Way Anointing Oil* would be efficacious in the cure, mitigation, and treatment of aching muscles, arthritis, neuritis, rheumatic pains, and other human body pains. The articles would not be efficacious for the purposes represented.

Further misbranding, Section 502 (b) (2), the *Bible Way Tonic*, the *Bible Way Anointing Oil*, and the *drug capsules* failed to bear labels containing accurate statements of the quantity of the contents; and, Section 502 (f) (1), the labeling of the *drug capsules* failed to bear adequate directions for use in that there was no statement in the labeling of any condition, disease, or function for which the capsules were to be used.

DISPOSITION: May 22, 1950. A plea of guilty having been entered, the court imposed a total fine of \$200 and sentenced the defendant to serve one year in jail on each of the four counts of the information. The jail sentence was suspended and the defendant was placed on probation for four years, conditioned that he no longer engage in the drug business in any manner.

3148. Misbranding of Sun-O-Ray Compound and Sun-O-Ray Inhalator. U. S. v. George R. Thurman (Sun-O-Ray Products). Plea of nolo contendere. Fine of \$10, plus costs, and sentence of 1 hour in custody of United States marshal. (F. D. C. No. 28146. Sample Nos. 46440-K, 46521-K.)

INFORMATION FILED: March 30, 1950, Eastern District of Missouri, against George R. Thurman, trading as Sun-O-Ray Products, St. Louis, Mo.

INTERSTATE SHIPMENT: On or about January 17, 1949, from the State of Illinois into the State of Missouri.

ALLEGED VIOLATION: Between the approximate dates of January 28 and 31, 1949, while the articles were held for sale after shipment in interstate commerce, the defendant prescribed, recommended, and suggested, by oral statements to the public, uses of the articles in combination and use of the *Sun-O-Ray Compound* singly for various diseases, symptoms, and conditions for which adequate directions for use did not appear in the labeling, which acts of the defendant resulted in the articles being misbranded.

LABEL, IN PART: "Sun-O-Ray Inhalator Directions: Drop Sun-O-Ray fluid into large end of inhalator until cotton is moist. Inhale vapor by placing small end of tube to one nostril at a time, keeping other nostril closed. Use as required. Add more Sun-O-Ray every few days as needed" and "Sun-O-Ray Compound Directions: As a Liniment: Rub and massage well over the skin, where there is soreness or pain due to minor causes. As an inhalation: